

1. LiveVault Service

When used in accordance with applicable usage requirements and guidelines, the LiveVault Service provides on-line backup protection for Windows NT and Windows 2000 Servers. The LiveVault Service is able to protect applications, open files, open databases, and registry and security information.

To deploy the LiveVault Service You download a software module (the "LiveVault Agent") from this web site on to each server You wish to backup (the "Protected Server"). Once configured and deployed, the LiveVault Agent replicates and synchronizes the data You have selected in its entirety (the "Initial Backup") to one of the LiveVault Corporation's ("LVC") offsite data storage backup vaults containing servers and an associated tape library unit (the "LiveVault Server").

You manage the LiveVault Service through a web management interface that is personalized with Your custom content. A dynamic management page shows You the current status of all of Your backup and restore jobs, and enables You to make immediate modifications or requests. You may view an inventory of all data files, current and historic; initiate restores from the web; and view all backup and restore processes.

Your backup and restore processes and related network and systems issues are also monitored and managed by LVC personnel in the LVC Service Operations Center (the "SOC"). If any problems arise, LVC Customer Service will notify you and suggest corrective action. In addition, if you have questions, you may direct them to Customer Service.

From time-to-time this Service Level Agreement may change. A modification may include, but is not limited to, changes in system requirements, restrictions, limitations, or bandwidth requirements. Upon such a Service Level Agreement change, You will be notified via electronic mail and through a Web site posting, whose location will be specified in the electronic mail notification. You are responsible for ensuring that your system conforms to any updated restrictions, limitations or requirements.

Your LiveVault Service may be terminated by LVC without liability to LVC or its distributors or suppliers, upon prior written notice (from LVC or its authorized distributor, as the case may be), unless in LVC's sole technical discretion, a technical emergency shall require immediate termination in order to prevent Your use of the LiveVault Service from adversely affecting the effectiveness of the LiveVault Service for other end users, or to preserve system integrity or prevent network abuse, in each case, without liability to any party. You are responsible for updating LVC and your LiveVault Service distributor as to any changes to Your email and contact information to facilitate our communication of these notices.

2. System Requirements

The Protected Server must meet the following system requirements in order to effectively utilize the LiveVault Service:

- A continuously available Internet connection with an upload speed of at least 56 Kbps (see Bandwidth Requirements below for specifics)
- Windows 2000 (Professional, Server, or Advanced Server) or Windows NT 4.0 (Server or Workstation) with SP4 or higher
- FAT, FAT-32, NTFS or NTFS 5.0 file systems
- Pentium II or faster CPU technology
- 32 MB of free memory under normal load
- 150 MB or 5% free disk space

Bandwidth Requirements

The LiveVault Service is able to measure the rate at which data on a Protected Server is changing. After a few hours of routine operation, during normal business hours, the SOC will be able to provide an estimate of the completion time for the Initial Backup and an estimate of bandwidth required for Your continuous operation of

the LiveVault Service. This estimated completion time will be available on Your custom web page. You will be notified if the SOC determines that there is insufficient bandwidth for Your continuous operation.

LVC estimates that a typical file system will see a daily change rate of 5%. At this change rate, the expected bandwidth requirement is 20 Kbps per protected gigabyte ("GB"). The following table provides an estimate of the upstream bandwidth required to protect various amounts of data:

Protected GB	Bandwidth
6 GB	128 Kbps
20 GB	384 Kbps
60 GB	1.0 Mbps
80 GB	1.5 Mbps

Highly dynamic servers such as mail servers and active database servers may have additional bandwidth requirements.

Higher rates of change will result in a linear increase in bandwidth required.

Increased amounts of protected data, increased rates of data change, other demands for bandwidth, or other factors that contribute to latency may, at a given time, limit the effectiveness of Your LiveVault Service.

3. Restrictions and Limitations

The maximum size of any single file on the Protected Server is 30 GB.

Open file managers: The Protected Server must not be running an open file protection product. This includes other LVC products, and the open file options on other traditional backup products.

There are some other restrictions associated with other software products such as anti-virus software and Microsoft SMS as documented on the LVC corporate website, www.livevault.com.

The following Windows 2000 file system features are not supported:

- Object IDs (These are used by Microsoft's File Replication service (FRS) and for Distributed Link Tracking)
- Encrypted files
- Remote Storage Service
- Volumes without drive letters

Note: Files and directories to be protected must be specified by pathnames that do not include shared drive letters or reparse points.

4. Initial Protection Time Requirements

The Initial Backup process must complete before a server is fully protected by the LiveVault Service. This process may take several days. Data transfer rates for the Initial Backup can be estimated at 2 GB per day for each 256 Kbps of available bandwidth. The data transfer rate may improve by as much as 50% when a few large files, as opposed to an equivalent amount of data consisting of many smaller files, are being protected. Typically, if only the minimum bandwidth is available for the given capacity, it could take nine days or more to complete the Initial Backup. It is recommended that You have enough bandwidth to complete the Initial Backup for any large file in five days or fewer. Extended network interruptions can force a retransmission of the current file, thereby delaying your Initial Backup.

5. Service Level

The following sections define the service level LVC warrants You are entitled to after the Initial Backup has taken place.

A) Current Data Protection

Backup configurations can be set to run continuously 24 X 7 or to run on a scheduled basis. When a backup configuration is running, only changes to files and databases you have selected for backup on the Protected Server (the "Changes") are captured by the LiveVault Agent and immediately queued for transmission to the LiveVault Server. Queued Changes are sent to the LiveVault Server when there is a Valid Connection, as defined below, to that server and there are no preceding items waiting to be sent.

Changes arriving at the LiveVault Server are saved to disk when LVC's software deems it a safe point to write the file(s) in order to ensure data integrity. The result is that the Changes are written to the LiveVault Server in as little as one second or as much as 2 hours from the time the Changes occur on the Protected Server.

"Valid Connection" means that the bandwidth actually available between Your Protected Server(s) and the LiveVault Server is adequate for the amount of data being protected and the rate of the data changes as discussed under "Bandwidth Requirements". The bandwidth actually available can be affected by other network traffic into or out of your premises and may be affected by occasional or intermittent slowdowns or interruptions in the network path(s) to the LiveVault Server. The LiveVault Service will continue operation during brief periods when limited bandwidth is available and will automatically resume operation following network interruptions; however, Changes that occur on the Protected Server will require additional time before they are saved to disk at the LiveVault Server.

B) Historic Data Protection

After the Initial Backup is completed, Your data is archived to tape a minimum of once per day. This requires that Your data be synchronized at the start of the previous day.

The SOC proactively monitors all Your backup operations and has the ability to notify You if Your Protected Servers are not sending Changes to the LiveVault Server or if the 24-hour archive to tape fails to occur.

LVC maintains LiveVault Servers that hold daily backups of your data for thirty (30) days. You may initiate restore requests from any of these data sets.

C) Internet Based Restore Performance

Restore time over the network is limited by Your connection bandwidth up to speeds of approximately 2 Mbps. At speeds faster than 2 Mbps, other factors may limit network restore times. The time elapsed before a restore begins is variable and largely determined by whether current or historic data is being restored. The following table provides approximate restore times after a restore has started for various bandwidths and data sizes:

Bandwidth (Kbps)	Total Restored Data (MB)				
	3	20	100	1000	2000
128	0.1	0.4	1.8	18.5	37.0
384	0.1	0.2	0.7	6.1	12.2
1,000	0.1	0.1	0.3	2.4	4.7
1,500	0.1	0.1	0.2	1.6	3.2

Restore estimations assume at least 60% of the subscribed bandwidth is available for the restore.

Network performance, data compressibility, and end user systems may affect restore times.

Should LVC, as part of its monitoring function, observe any unusual, abnormal or excessive number of restore requests, then LVC reserves the right to contact you and require you to modify your procedures and behavior in this area.

D) Physical Media Restores (NAS/CD-ROM)

Restores via physical media utilizing NAS (network attached storage) disks or CD-ROMs are supported. In the event that a restore is requested which would direct data originally stored on one server to a different server, physical media must be used. A full restore of the Windows NT registry or Windows 2000 system state is not possible with physical media. In the case of a complete system rebuild, You will be required to restore files via physical media, and then restore the registry or system state information via the network.

Media-based restores of more than 10 GB are delivered on NAS disk to avoid the production of numerous CD-ROM's.

Delivery of physical media restores is dependent on 1) the time the restore request is received and 2) the amount of data being restored. The following table indicates the latest time at which the physical media will be available for shipment based on the time the restore is requested and the actual amount of data being restored.

Total Restored Data	Request Submitted by 5:00PM EST	Request Submitted Between 5:00PM EST and Midnight
0 – 50 GB	Next Day (5:00PM EST)	Next Day (5:00PM EST)
50 – 100 GB	Next Day (5:00PM EST)	Second Day (9:00AM EST)
100+ GBs	After the initial delivery, as described above, an additional 100 GB will be available for shipment each 24 hour period until the complete restore is shipped	

You are provided with multiple shipment options including: two day, next day, next morning, and custom.

6. Customer Service

The LiveVault Service provides you with access to Customer Service as more fully described below:

- Maintenance Updates to the LiveVault Agent. Updates include any corrections and patches to the LiveVault Agent and the LiveVault Service as well as any available improvements of existing features.
- Technical support for the LiveVault Service during normal business hours (8:30 AM to 5:00PM) Eastern Time, Monday through Friday.
- Emergency 24 hour, 7 days per week (24 X 7) technical support for the LiveVault Service. This emergency service is available for critical off-hours issues that must be resolved quickly.